

**EXHIBIT 25**

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 25-643

Caption [use short title]

U.S. Bank National Association,

Extension of time

Plaintiff-Appellees

Set forth below precise, complete statement of relief sought:

v.

An extension from May 12 to June 6, 2025,

for Appellants to file their opening brief.

The Charitable Donor Advised Fund, L.P.,  
Defendants-Appellants.

MOVING PARTY: NexPoint Diversified Real Estate Trust; NHF TRS, LLC

OPPOSING PARTY: Joshua N. Terry; Acis Capital Management, L.P.; BrigadeCapital

☐ Plaintiff

☒ Defendant

☐ Appellant/Petitioner

☐ Appellee/Respondent

MOVING ATTORNEY: Mazin A. Sbaiti

OPPOSING ATTORNEY: Blair Adams; Jason Hegt

[name of attorney, with firm, address, phone number and e-mail]

Mazin Sbaiti, Sbaiti & Company PLLC, 2200 Ross Avenue, Suite

Blair Adams, Quinn Emanuel Urguhart & Sullivan LLP, 295 Fifth Avenue,

4900W, Dallas, TX 75201 (214-432-2899; E: mas@sbaitilaw.com)

New York, NY 10016 (212-849-7000; blairadams@quinnemanuel.com)

Jason Hegt, Lathan & Watkins LLP, 1271 Avenue of the Americas,

Court- Judge/ Agency appealed from: Judge Gregory H. Woods

New York, NY 10020 (212-906-1200; jason.hegt@lw.com))

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):



Yes



No (explain):

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND  
INJUNCTIONS PENDING APPEAL:

Has this request for relief been made below?



Yes



No

Has this relief been previously sought in this court?



Yes



No

Requested return date and explanation of emergency:

Opposing counsel's position on motion:



Unopposed



Opposed



Don't Know

Does opposing counsel intend to file a response:



Yes



No



Don't Know

Is the oral argument on motion requested?



Yes



No (requests for oral argument will not necessarily be granted)

Has the appeal argument date been set?



Yes



No If yes, enter date:

Signature of Moving Attorney:

/s/ Mazin A. Sbaiti

Date: April 14, 2025

Service : ☒ Electronic ☐ Other [Attach proof of service]

**25-643**

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**UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT**

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U.S. BANK NATIONAL ASSOCIATION,

*Plaintiff-Appellees*

v.

THE CHARITABLE DONOR ADVISED FUND, L.P.,

*Defendants-Appellants.*

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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**APPELLANTS' UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO FILE BRIEF**

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Appellants file this motion for an extension of their opening brief deadline and respectfully show the Court as follows:

This matter was automatically assigned to the Court's Expedited Appeals Calendar on April 7, 2025 [Dkt. 19.1]. Pursuant to that notice, Appellants' brief is due no later than May 12, 2025.

Appellants' counsel has a trial beginning on May 13, 2025, which is expected to last at least one week, in *Leeds, et al v. Stillwater Capital Investments, LLC, et al*,

Cause No. DC-21-00298, 193<sup>rd</sup> Judicial District, Dallas County, Texas. Counsel is now responding to and will continue to respond to multiple pretrial deadlines, as well preparing for trial, between now and the May 13, 2025 trial date. In addition to preparing for trial and other previously scheduled case deadlines, Appellants' counsel will be preparing for oral argument before the Fifth Circuit Court of Appeals on April 28, 2025, in *Charitable DAF Fund v. Highland Capital*, No. 24-10880. Counsel is also responding to six motions to dismiss in *J.V. v. G6 Hospitality Property LLC, et al*, No. 5:24-cv-2350, United States District Court, Central District of California, which are due on April 24, 2025. The significant time commitment required for these cases will greatly reduce the available time Appellants' counsel has to prepare for this Court's May 12 brief deadline. Accordingly, Appellants respectfully request an extension to and including June 6, 2025, to file their opening brief.

Appellants' counsel has conferred with Appellees' counsel who are not opposed to this motion. This request is not made to cause delay but so that justice may be served and Appellants afforded the necessary and adequate time to prepare and submit their brief undeterred by current schedule conflicts.

Dated: April 14, 2025

Respectfully submitted,

/s/ Mazin A. Sbaiti

Mazin A. Sbaiti

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